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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/811,259
Filing Date: March 26, 2004
Appellant(s): MAYO ET AL.

Philip S. Lyren, Reg. No. 40,709

Attorney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/20/2010 appealing from the Office action

mailed 12/11/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal. Examiner is relied upon the appellant's

statement contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5)   Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6)   ***Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7)   ***Claims Appendix***

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8)   ***Evidence Relied Upon***

Klug et al. (US Patent 6,615,251) hereinafter Klug,

Madsen (US Patent 6,941,338) hereinafter Madsen,

Kumhyr et al. (USPA Pub. 2003/0101214 A1) hereinafter Kumhyr, and

Kasriel et al. (US Patent 6963874) hereinafter Kasriel.

(9)   ***Grounds of Rejection***

The following grounds of rejection are applicable to the appealed claims:

1.   Claims 1-3, 5, 7, 15, 17-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Klug et al. (US Patent 6,615,251) hereinafter Klug, in view of Madsen

(US Patent 6,941,338) hereinafter Madsen, and in view of Kumhyr et al. (USPA Pub.

2003/0101214 A1) hereinafter Kumhyr.

2.   As per independent claim 1, Klug teaches a communications network in which

the present invention may be implemented is generally identified by the reference

numeral 10. The network 10 includes a user node 12, a selected website 16, and a

browser 18 that communicate via the Internet 14. The selected website 16 may be any

website associated with the Internet 14 (Fig. 1, col. 7, lines 31-38). Klug teaches the

claimed, a web server interface that couples one or more guests to the Internet (Fig. 2,

col. 3, lines 30-32 and col. 10, lines 20-24, (user as subscriber)). Klug teaches the

claimed, a usage collector application that monitors usage of all of said guests (Fig. 3,

col. 10, lines 25-28). Klug does not teach explicitly web pages cached in local memory

of the access point. However, Madsen teaches the claimed, web cache software that

proactively in a local memory of the access point (Fig. 3, col. 4, lines 22-41). Madsen

also teaches the claimed, the access point is a single device that links one or more

guests on personal computers to a broadband or telephone connector from which

Internet access is obtained for the personal computers (Fig. 3, col. 4, lines 9-21). Thus,

it would have been obvious to one of ordinary skill in the data processing art at the time

of the invention, to have combined the teachings of the cited references because

Madsen's teachings would have allowed Klug's method to provide a greatly improved

response time of the wireless when the requested file or an object is available from the

cache, which is provided by the base station to the user instead of going through

backhaul or over the digital data network (col. 3, lines 41-46).

Klug and Madsen do not explicitly teach pre-fetching non-requested web pages.

However, Kumhyr teaches the claimed, non-requested web pages that relate to a topic

of a web page requested by a guest and indicates to the guest that the non-requested

web pages are available for viewing (par. [0022]). Thus, it would have been obvious to

one of ordinary skill in the data processing art at the time of the invention, to have

combined the teachings of the cited references because Kumhyr's teachings would

have allowed Klug's method to provide an improved strategy for allocating data objects

stored on a server system (par. [0005]).

3.   As per dependent claim 2, Klug, Madsen and Kumhyr combined teaches claim 1.

Kumhyr teaches the claimed, the web cache software predicts the non-requested web

pages that are of interest to a guest based on that guest's usage pattern, and caches

the non-requested web pages in the local memory (Par. [0022]).

4.   As per dependent claim 3, Klug teaches the claimed, the web cache software

initiates a signal to the guest indicating that the non-requested web pages are available

for viewing (Fig. 3, col. 10, lines 37-40).

5.   As per dependent claim 5, Klug teaches the claimed, each of said guests

includes an identification mechanism which is used by said usage collector to compile

usage information specific to each guest (Fig. 3, col. 4, lines 9-21).

6.   As per dependent claim 7, Klug teaches the claimed, the local monitor couples to

a remote monitor to provide the further analysis of the usage information to the remote

monitor (Fig. 5, col. 12, lines 58-61).

7.   As per dependent claim 8, Klug teaches the claimed, a diagnostic application

that launches when the usage collector detects an abnormality (Fig. 5, col. 14,

lines 26-34).

8.   As per dependent claim 9, Klug teaches the claimed, the web server interface

executes a web server software application that performs tasks of logging in or logging

off the guests and collecting payment (Fig. 2, col. 4, line 66 to col. 5, line 7).

9.   As per dependent claim 10, Klug teaches the claimed, a management application

that requests programs from the remote monitor based on the result of diagnostic

application (Fig. 5, col. 14, lines 26-34).

10.   As per dependent claim 11, Klug and Madsen combined teaches claim 1. Klug

teaches the claimed, the web cache application, diagnostic application, and

management application are dynamically modified based on guest usage (Fig. 5,

col. 12, lines 35-44).

11.   As per independent claim 12, Klug teaches a communications network in which

the present invention may be implemented is generally identified by the reference

numeral 10. The network 10 includes a user node 12, a selected website 16, and a

browser 18 that communicate via the Internet 14. The selected website 16 may be any

website associated with the Internet 14 (Fig. 1, col. 7, lines 31-38). Klug teaches the

claimed, detecting at an access point a request for Internet access from a guest on a

personal computing device (Fig. 1, col. 7, lines 41-46 and col. 10, lines 20-24, (user as subscriber)). Klug teaches the claimed, monitoring at the access point usage patterns of the guest (Fig. 3, col. 10, lines 25-28). Klug does not explicitly teach predicting information of interest for the guest. However, Madsen teaches the claimed, predicting non-requested web pages that relate to a topic of a web page requested by a guest and that are of interest for the guest based on the guest's usage patterns (Fig. 3, col. 5, lines 34-36). Madsen also teaches the claimed, the access point being a single device that links the guest on the personal computing device to a broadband or telephone connector from which Internet access is obtained for the personal computing device (Fig. 3, col. 4, lines 9-21). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Madsen's teachings would have allowed Klug's method to provide a greatly improved response time of the wireless when the requested file or an object is available from the cache, which is provided by the base station to the user instead of going through backhaul or over the digital data network (col. 3, lines 41-46).

Klug and Madsen do not teach prefetching non-requested web pages. However, Kumhyr teaches the claimed, locally caching in the access point the non-requested web pages that are of interest to the guest, prior to the time that the guest requests the information (par. [0022]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Kumhyr's teachings would have allowed Klug's method to

provide an improved strategy for allocating data objects stored on a server system (par.
[0005]).

12.   As per dependent claim 13, Klug and Madsen combined teaches claim 12.

Madsen teaches the claimed, transmitting information relating to the guest's usage

patterns to a remote server, and analyzing the guest's usage patterns at the remote

server using artificial intelligence software, and correlating the guest's usage patterns

with previously detected usage patterns to predict future usage patterns of the guest

(Fig. 5, col. 5, lines 34-51).

13.   As per dependent claim 14, Klug and Madsen combined teaches claim 12.

Madsen teaches the claimed, the act of predicting includes proactively caching non-

requested web pages that the access point predicts the guest will want based on a topic

for which the guest previously selected web sites. (Fig. 3, col. 5, lines 37-44).

14.   As per dependent claim 15, Klug and Madsen combined teaches claim 12.

Madsen teaches the claimed, the act of predicting includes considering usage patterns

of other guests (Fig. 3, col. 5, lines 27-33).

15.   As per independent claim 17, Klug teaches a communications network in which

the present invention may be implemented is generally identified by the reference

numeral 10. The network 10 includes a user node 12, a selected website 16, and a

browser 18 that communicate via the Internet 14. The selected website 16 may be any

website associated with the Internet 14 (Fig. 1, col. 7, lines 31-38). Klug teaches the

claimed, a plurality of access points that provide Internet access for one or more guests,

each of said access points being a single device and including a web server interface

and a usage collector application, with the usage collector application detecting

information relating to guest usage (Fig. 2, col. 3, lines 30-32; col. 10, lines 20-24, (user

as subscriber) and Fig. 3, col. 10, lines 25-28). Klug teaches the claimed, a remote

management server that couples to said plurality of access points via the Internet, said

remote server including a remote monitor and a database (Fig. 5, col. 12, lines 51-61).

Klug teaches the claimed, the information relating to guest usage is transferred from the

plurality of access points to the remote management server (Fig. 5, col. 13, lines 17-35).

Klug does not teach explicitly analyze guest usage. However, Madsen teaches the

claimed, the remote management server analyzes the guest usage using software

stored in said database to detect usage patterns (Fig. 3, col. 4, lines 22-41), and

Madsen also teaches the claimed, the remote monitor downloads information to one or

more access points to enhance the operation of the access point based on the detected

usage pattern, to a broadband or telephone connector from which Internet access is

obtained for the personal computers, the non-requested pages being a prediction based

on usage patterns of the guest (Fig.2-3, col. 4, lines 9-21 and col. 2, lines 2-15). Thus,

it would have been obvious to one of ordinary skill in the data processing art at the time

of the invention, to have combined the teachings of the cited references because

Madsen's teachings would have allowed Klug's method to provide a greatly improved

response time of the wireless when the requested file or an object is available from the

cache, which is provided by the base station to the user instead of going through

backhaul or over the digital data network (col. 3, lines 41-46).

Klug and Madsen do not explicitly teach prefetching web pages. However,

Kumhyr teaches the claimed, access point's cache in local memory non-requested web

pages that relate to topics of previously requested web pages by the guests and link

personal computers (par. [0022]). Thus, it would have been obvious to one of ordinary

skill in the data processing art at the time of the invention, to have combined the

teachings of the cited references because Kumhyr's teachings would have allowed

Klug's method to provide an improved strategy for allocating data objects stored on a

server system (par. [0005]).

16.   As per dependent claim 18, Klug teaches the claimed, the usage collector

application also detects information relating to system usage, and said information

relating to system usage also is transferred to the remote management server for

analysis (Fig. 3, col. 10, lines 25-28).

17.   As per dependent claim 19, Klug and Madsen combined teaches claim 17.

Madsen teaches the claimed, at least one of the access points is a wireless access

point that couples to the one or more guests via a wireless transmission medium (Fig. 3,

col. 4, lines 9-21).

18.   As per dependent claim 20, Klug and Madsen combined teaches claim 17.

Madsen teaches the claimed, the software stored in the database and used to detect

usage patterns comprises artificial intelligence software (Fig. 3, col. 5, lines 27-31).

19.   As per dependent claim 21, Klug and Madsen combined teaches claim 17.

Madsen teaches the claimed, the artificial intelligence software predicts web pages that

are of interest to guests based on usage patterns, and the access points include a web

cache application for locally caching web pages predicted to be of interest to guests

(Fig. 3, col. 5, lines 34-51).

20.   As per dependent claim 22, Klug teaches the claimed, the artificial intelligence

software detects improper activity based on usage patterns, and provides instructions to

an access point to take corrective action to minimize the effect of the improper activity

(Fig. 5, col. 13, lines 17-35).

21.   As per dependent claim 23, Klug teaches the claimed, the access points include

a diagnostic application that analyzes the access points to detect possible errors (Fig. 5,

col. 27, lines 24-31).

22.   As per dependent claim 24, Klug teaches the claimed, the diagnostic software

signals the remote monitor to download a program to an access point to assist in

resolving a detected error condition (Fig. 5, col. 27, lines 24-31).

23.   As per independent claim 25, Klug teaches a communications network in which

the present invention may be implemented is generally identified by the reference

numeral 10. The network 10 includes a user node 12, a selected website 16, and a

browser 18 that communicate via the Internet 14. The selected website 16 may be any

website associated with the Internet 14 (Fig. 1, col. 7, lines 31-38). Klug teaches the

claimed, interfacing said access point with the multiple guests, and coupling the access

point to the Internet (Fig. 2, col. 3, lines 30-32 and col. 10, lines 20-24, (user as

subscriber)). Klug teaches the claimed, monitoring and collecting requests made by a

guest to collect information on a guest's usage (Fig. 3, col. 10, lines 25-28). Klug does

not explicitly teach storing contents in access point local memory. However, Madsen

teaches the claimed, in said access point for locally storing content that is of interest to

the user (Fig. 3, col. 4, lines 22-41). Madsen also teaches the claimed, the access

point is a single device that links multiple guests on personal computers to a broadband

or telephone connector from which Internet access is obtained for the personal

computers (Fig. 3, col. 4, lines 9-21). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because Madsen's teachings would have allowed

Klug's method to provide a greatly improved response time of the wireless when the

requested file or an object is available from the cache, which is provided by the base

station to the user instead of going through backhaul or over the digital data network

(col. 3, lines 41-46).

Klug and Madsen do not explicitly teach pre-fetching web pages. However,

Kumhyr teaches the claimed, the access point predicts caches in local memory non-

requested web pages that relate to a topic previously requested by a guest (par.

[0022]). Thus, it would have been obvious to one of ordinary skill in the data

processing art at the time of the invention, to have combined the teachings of the cited

references because Kumhyr's teachings would have allowed Klug's method to provide

an improved strategy for allocating data objects stored on a server system (par. [0005]).

24. As per dependent claim 26, Klug teaches the claimed, the access point indicates

to the guest that the non-requested web page is available for viewing (Fig. 3, col. 10,

lines 25-28).

25. As per dependent claim 27, Klug teaches the claimed, diagnosing malfunctions

of said access point (Fig. 3, col. 10, lines 25-28).

26. As per dependent claim 28, Klug teaches the claimed, managing said access

point (Fig. 3, col. 10, lines 25-31).

27. As per dependent claim 29, Klug teaches the claimed, diagnosing means, and

managing means are dynamically modified based on the guest's usage detected by said

monitoring means (Fig. 5, col. 13, lines 17-35).

28.   Claims 4, 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Klug et al. (US Patent 6,615,251) hereinafter Klug, in view of Madsen (US Patent

6,941,338) hereinafter Madsen, in view of Kumhyr et al. (USPA Pub. 2003/0101214

A1) hereinafter Kumhyr and further in view of Kasriel et al. (US Patent 6963874)

hereinafter Kasriel.

29.   As per dependent claim 4, Klug, Madsen and Kumhyr combined teaches claim 1.

Klug, Madsen and Kumhyr do not explicitly teach the claimed, However, Kasriel teaches

the claimed, a diagnostic application that identifies a cause for an increase in access

time to retrieve a web site, and a management application that downloads a patch to the

access point to correct the increase in access time to retrieve the web site (Fig. 3a,

col. 7, lines 46-51). Thus, it would have been obvious to one of ordinary skill in the data

processing art at the time of the invention, to have combined the teachings of the cited

references because Kasriel's teachings would have allowed Klug's method to provide a

data collection and reporting system that facilitates an evaluation of web-page's

performance with memory requirements (col. 2, lines 46-48).

30.   As per dependent claim 6, Klug teaches the claimed, a local monitor that collects

usage information from the usage collector application and provides further analysis of

the usage information (Fig. 3, col. 10, lines 25-28). Klug, Madsen and Kumhyr do not

explicitly teach generating a summary report for a web page. However, Kasriel teaches

the claimed, generates a summary page of system status information and errors

detected since the access point was last accessed by a remote server (Fig. 3a, col. 7,

lines 1-4). Thus, it would have been obvious to one of ordinary skill in the data

processing art at the time of the invention, to have combined the teachings of the cited

references because Kasriel's teachings would have allowed Klug's method to provide a

data collection and reporting system that facilitates an evaluation of web-page's

performance with memory requirements (col. 2, lines 46-48).

31.   As per dependent claim 16, Klug, Madsen and Kumhyr combined teaches

claim 12. Klug, Madsen and Kumhyr do not explicitly teach identifying problem.

However, Kasriel's teaches the claimed, identifying an error or sub-optimal condition in

the access point and automatically downloading a patch to fix the error or the sub-

optimal condition   (Fig. 4C, col. 8, lines 15-28). Thus, it would have been obvious to

one of ordinary skill in the data processing art at the time of the invention, to have

combined the teachings of the cited references because Kasriel's teachings would have

allowed Klug's method to provide a data collection and reporting system that facilitates

an evaluation of web-page's performance with memory requirements (col. 2,

lines 46-48).

(10) *Response to Argument*

A. *Claims 1, 12, 17 and 25 rejection under 35 U.S.C. 112, 1st paragraph.*

Appellant's arguments on pages 11-13 have been thoroughly and Examiner decided to withdraw this rejection.

B. *Claims 1-3, 5, 7, 15 and 17-29 are rejected under 35 U.S.C. 103(a).*

a) *Claims 1-3, 5 and 7-11:*

Claim1:   The Appellant claims as: *an access point*. The prior art used to reject the claim is Klug et al. (US Patent 6,615,251) hereinafter Klug, in view of Madsen (US Patent 6,941,338) hereinafter Madsen, and in view of Kumhyr et al. (USPA Pub. 2003/0101214 A1) hereinafter Kumhyr. (Fig. 1, col. 7, lines 31-38, Klug teaches as: a communications network in which the present invention may be implemented is generally identified by the reference numeral 10. **The network 10 includes a user node 12, a selected website 16, and a browser 18 that communicate via the Internet 14**. The selected **website 16 may be any website associated with the Internet 14**). The Appellant claimed as, *a web server interface that couples one or more guests to the Internet* (Fig. 2, col. 3, lines 30-32 and col. 10, lines 20-24, (**user as subscriber**), Klug teaches as: operating system messages may be monitored relative to website display status. Klug further (Fig. 1, col. 7, lines 50-52) teaches as: **the user node 12** (user node may be a single computer or multiple users 20-26, a local area network) **is connected to the browser website 18 and the selected website 16 via a**

virtual circuit within the internet 14). The Appellant claimed as: _a usage collector_

application that monitors and collects usage of all of said guests. (Fig. 3, col. 10,

lines 25-31, Klug teaches as: **The use is monitored by an authentication system at a**

central site such as the site of an Internet service provider. The authentication

system employs a usage credit counter to monitor the usage. The records

accumulated by the authentication system will assist advertisers in tracking

advertisement usage).

Klug does not explicitly teach web cache software that proactively caches. Madsen

teaches the Appellant claimed: _web cache software that proactively caches, a local_

memory of the access point, (Fig. 3,   col. 4, lines 22-41, Madsen teaches as: **the**

users 118A-118N are located within the coverage area of the base station 114A.

Each base station 114A-114N has a corresponding cache 116A-116N. The caches

may be embodied as fast storage buffers or memories can be accessed by a

router and central processing unit within the base stations.) Madsen also teaches the

claimed as: _the access point is a single device that links one or more guests on personal_

computers to a broadband or telephone connector from which Internet access is

obtained for the personal computers. (Fig. 3, col. 4, lines 9-21, Madsen teaches as: **the**

base stations may be co-located with one another and may provide service to

distinct physical coverage areas by means of satellites, broadband fixed wireless

or directional antennas. The users 118A-118N are located within the coverage

area of the base station 114A. Further teaches (lines39-41) **as, the base station**

114A does not simply indiscriminately pass the remote unit requests to the internet service provider but, instead, examines the content of the requests).

The motivation used to combine Madsen with Klug is: **it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Madsen's teachings would have allowed Klug's method to provide a greatly improved response time of the wireless when the requested file or an object is available from the cache, which is provided by the base station to the user instead of going through backhaul or over the digital data network** (See Madden, col. 3, lines 41-46).

Klug and Madsen do not explicitly teach pre-fetching non-requested web pages. However, Kumhyr teaches the claimed, *non-requested web pages that relate to a topic of a web page requested by a guest and indicates to the guest that the non-requested web pages are available for viewing.* (par. [0022]).

The motivation used to combine Kumhyr with Klug is: **it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Kumhyr's teachings would have allowed Klug's method to provide an improved strategy for allocating data objects stored on a server system** (See Kumhyr, par. [0005]).

Appellant's argument on page 17 as, "The combination of Klug in view of Madsen and Kuhmyr fails to teach or even suggest web cache software that <u>proactively caches non-requested web pages</u> that relate to a topic of a web page requested by a guest and

indicates to the guest that the non-requested web pages are available for viewing. The combination of Klug in view of Madsen and Kuhmyr teaches storing web pages already requested by a user." The Examiner respectfully disagrees with the Appellant, because Kumhyr teaches as: **As with the definition of user groups, a dynamic determination of interests may include discovery processes, surveys, overall web-access patterns, and linking of small patterns to form larger patterns. These strategies may typically utilize information gained from user access patterns to determine various interests. Interests determined in a dynamic process may utilize Web page access pattern information. The access pattern information may be used to continuously update and modify the group interests** (see par. [0022]). **Further, Kumhyr teaches as: moving the popular topic associated Web pages to the cache may include copying or moving the data information associated with the page to the cache. Placing Web pages corresponding to group interests may provide quicker access to data objects with the same or less storage retrieval infrastructure** (see par. [0027]).

Appellant claimed is equivalent to prior art teaching as well as the disclosure in the current invention, par. [0032] as "This caching of special web pages minimizes the time to access **these web pages in the event a subsequent guests requests these same web pages. Web pages may be deemed of special interest if multiple guests have accessed the same web page.** Thus, if a particular web site is visited repeatedly, then that web site may be cached locally in the local memory 160 by the web cache application 110." Therefore, the prior art on record teaches this limitation.

Appellant again argued as "As another example, claim 1 recites web cache software that proactively cache non-requested web pages and indicates to the guest that the non-requested web pages are available for viewing. The examiner argues that this recitation is taught in paragraph [0022] of Kuhmyr. Appellants respectfully disagree." The Examiner respectfully disagrees with the Appellant, because Kumhyr teaches as: when user access the internet is online and it is dynamic and whenever multiple users access the same web page it is considered as special interest.

Further, Appellant argued as: "As another example, claim 1 recites a usage collector application that monitors and collects usage of all of said guests. The examiner argues that "Klug teaches the claimed, a usage collector application that monitors usage of all of said guests (Fig. 3, col. 10, lines 25-28)" (see OA mailed 05/01/2009 at p. 4).

This section, however, does not teach a usage collector that collects usage as claimed." The Examiner respectfully disagrees with Appellant, because Klug teaches (see Fig. 3, col. 10, lines 25-28 as: **The use is monitored by an authentication system at a central site such as the site of an Internet service provider. The authentication system employs a usage credit counter to monitor the usage. The records accumulated by the authentication system will assist advertisers in tracking advertisement usage**). In this citation, the usage collector application is equivalent to usage credit counter because, both does the same job of monitoring the usage.

Appellant's argument stated as "For at least these reasons, claims 1-3, 5, and 7-11 are allowable over Klug in view of Madsen and Kumhyr." The Examiner respectfully

disagrees with Appellant, because Klug in view of Madsen and Kumhyr do teach each

and every limitation in the claim 1. Therefore, the claims 1-3, 5 and 7-11 are not

patentable over the current prior art on record.

  b) ***Claims 12-15:***

    Appellant's argument stated regarding independent claim 12 as "The

combination of Klug in view of Madsen and Kuhmyr fails to teach or even suggest

predicting non-requested web pages that relate to a topic of a webpage requested by

the guest and that are of interest for the guest based on the guest's usage patterns."

The Examiner respectfully disagrees with the Appellant, because Kumhyr teaches as:

As with the definition of user groups, a dynamic determination of interests may

include discovery processes, surveys, overall web-access patterns, and linking of

small patterns to form larger patterns. These strategies may typically utilize

information gained from user access patterns to determine various interests.

Interests determined in a dynamic process may utilize Web page access pattern

information. The access pattern information may be used to continuously update

and modify the group interests (see par. [0022]). **Further, Kumhyr teaches as:**

moving the popular topic associated Web pages to the cache may include

copying or moving the data information associated with the page to the cache.

Placing Web pages corresponding to group interests may provide quicker access

to data objects with the same or less storage retrieval infrastructure (see par.

[0027]).

Further, Appellant's argument stated as "The combination of Klug in view of

Madsen and Kuhmyr teaches storing web pages already requested by a user." The

Examiner respectfully disagrees with the Appellant, in fact the current invention

discloses in par. [0034] as: **"the web cache application 110 will cache websites that**

is accessed by a user or users." Therefore, Examiner is positive of teaching all

claimed limitations of claim 12 by the combination of Klug in view of Madsen and

Kuhmyr.

Further, Appellant's argument stated as "For at least these reasons, claims 12-15

are allowable over Klug in view of Madsen and Kumhyr." Again, Examiner respectfully

disagrees with Appellant, because Klug in view of Madsen and Kumhyr do teach each

and every limitation in the claim 12. Therefore, the claims 12-15 are not patentable over

the current prior art on record.

c)   *Claims 17-24:*

Appellant argued as "As one example, independent claim 17 recites access

points that cache in local memory non-requested web pages that relate to topics of

previously requested web pages by the guests..., the non-requested pages being a

prediction based on usage patterns of the guests. Klug in view of Madsen and

Kumhyr does not teach this claim element." The Examiner respectfully disagrees with

the Appellant, because Kumhyr teaches as: **As with the definition of user groups, a**

dynamic determination of interests may include discovery processes, surveys,

overall web-access patterns, and linking of small patterns to form larger patterns.

These strategies may typically utilize information gained from user access

patterns to determine various interests. Interests determined in a dynamic

process may utilize Web page access pattern information. The access pattern

information may be used to continuously update and modify the group interests

(see par. [0022]).   **Further, Kumhyr teaches as: moving the popular topic**

associated Web pages to the cache may include copying or moving the data

information associated with the page to the cache. Placing Web pages

corresponding to group interests may provide quicker access to data objects

with the same or less storage retrieval infrastructure (see par. [0027]).

Appellant argued as "As another example, claim 17 recites a usage collector

application detecting and <u>collecting</u> information relating to guest usage. The Examiner

respectfully disagrees with the Appellant, because Klug teaches as: (Fig. 3, col. 10,

lines 10-31, Klug teaches as: **A frequent use program may be offered to encourage**

and reward participation by providing credits for free internet usage. The user

receives credit for viewing the messages which may be applied towards the

incentive program. The credit may be applied to towards paying subscription fee

or collected for application towards other item offered as part of the incentive

program. The use is monitored by an authentication system at a central site such

as the site of an Internet service provider. The authentication system employs a

usage credit counter to monitor the usage. The records accumulated by the

authentication system will assist advertisers in tracking advertisement usage).

Further, Appellant's argument stated as "For at least these reasons, claims 17-24 are allowable over Klug in view of Madsen and Kumhyr." Again, Examiner respectfully disagrees with Appellant, because Klug in view of Madsen and Kumhyr do teach each and every limitation in the claim 17. Therefore, the claims 17-24 are not patentable over the current prior art on record.

d)   Claims 25-29:

Appellant argued as "As one example, independent claim 25 recites access points that cache in local memory non-requested web pages that relate to topics of previously requested web pages by the guests..., the non-requested pages being a prediction based on usage patterns of the guests. Klug in view of Madsen and Kumhyr does not teach this claim element." The Examiner respectfully disagrees with the Appellant, because Kumhyr teaches as: **As with the definition of user groups, a dynamic determination of interests may include discovery processes, surveys, overall web-access patterns, and linking of small patterns to form larger patterns. These strategies may typically utilize information gained from user access patterns to determine various interests. Interests determined in a dynamic process may utilize Web page access pattern information. The access pattern information may be used to continuously update and modify the group interests** (see par. [0022]). **Further, Kumhyr teaches as: moving the popular topic associated Web pages to the cache may include copying or moving the data information associated with the page to the cache. Placing Web pages**

corresponding to group interests may provide quicker access to data objects

with the same or less storage retrieval infrastructure (see par. [0027]).

Appellant argued as "As another example, claim 25 means in said access

point for monitoring and <u>collecting</u> requests made by a guest to collect information on a

guest's usage pattern. The Examiner respectfully disagrees with the Appellant, because

Klug teaches as: (Fig. 3, col. 10, lines 10-31, Klug teaches as: **A frequent use program**

may be offered to encourage and reward participation by providing credits for

free internet usage. The user receives credit for viewing the messages which

may be applied towards the incentive program. The credit may be applied to

towards paying subscription fee or collected for application towards other item

offered as part of the incentive program. The use is monitored by an

authentication system at a central site such as the site of an Internet service

provider. The authentication system employs a usage credit counter to monitor

the usage. The records accumulated by the authentication system will assist

advertisers in tracking advertisement usage).

Further, Appellant argument stated as "For at least these reasons, claims 25-29

are allowable over Klug in view of Madsen and Kumhyr." Again, Examiner respectfully

disagrees with Appellant, because Klug in view of Madsen and Kumhyr do teach each

and every limitation in the claim 25. Therefore, the claims 25-29 are not patentable over

the current prior art on record.

e)   *Claim 2:*

Dependent claim 2, "the web cache software predicts the non-requested web pages that are of interest to a guest based on that guest's usage pattern, and caches the non-requested web pages in the local memory." Klug, Madsen and Kumhyr combined teaches claim 1. Kumhyr teaches the claimed, (Par. [0022]).

f)   *Claim 3:*

Dependent claim 3, "the web cache software initiates a signal to the guest indicating that the non-requested web pages are available for viewing Klug, Madsen and Kumhyr combined teaches claim 1. Kumhyr teaches the claimed, (Par. [0022] & [0027]).

g)   Claim 14:

As per dependent claim 14, Klug, Madsen and Kumhyr combined teaches claim 12. Madsen teaches the claimed, the act of predicting includes proactively caching non-requested web pages that the access point predicts the guest will want based on a topic for which the guest previously selected web sites. (Fig. 3, col. 5, lines 37-44, many users access the newspaper in the morning. Anticipatory caching can be used to retrieve the files and embedded objects associated with the newspapers as they are the released by the publishers in the early morning when the demand on the wireless system is minimum. In this way, when the users begin to access the papers in early morning, at least some of the files and objects are available from the cache.)

(11)   Related Proceedings Appendix

No decision rendered by a court or the Board is identified by the Examiner in the

Related Appeals and Interferences section of this Examiner's Answer.

Conclusion

The references disclose the claimed invention of an access-point including a web

server interface with one or more guests to the Internet. A usage collector monitors the

usage patterns of the guests and web cache software selects web pages that are based

on their usage patterns. Klug teaches a communications network 10 includes a user

node 12, a selected website 16, and a browser 18 that communicate via the Internet 14.

The selected website 16 may be any website associated with the Internet 14. Kumhyr

teaches the limitation, which has been argued for every claim. Madsen teaches the

other limitations. The three references combined teach every claim and their limitations

extensively.

For the above reasons, it is believed that the rejections should be sustained.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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